

AMENDED IN ASSEMBLY MARCH 9, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 207

Introduced by Assembly Member Thomson

January 25, 1999

An act to amend Section 633.5 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 207, as amended, Thomson. Invasion of privacy: recording communications: harassment.

Under existing law, nothing in provisions prohibiting the wiretapping of, eavesdropping on, or recording of confidential communications between cordless, cellular, or landline telephones, as specified, prohibits one party to a confidential communication from recording the communication for the purpose of obtaining evidence reasonably believed to relate to the commission by another party to the communication of the crime of extortion or other specified crimes. Furthermore, nothing in those provisions renders any evidence so obtained inadmissible in a prosecution for extortion or those other specified crimes.

This bill would provide, in addition, that those provisions do not prohibit one party to a confidential communication from recording the communication for the purpose of obtaining evidence reasonably believed to relate to the commission by another party to the communication of the violation of a *domestic violence* restraining order by means of a harassing

communication. Furthermore, the bill would provide that those provisions do not render any evidence so obtained inadmissible in a prosecution for the violation of a *domestic violence* restraining order by means of a harassing communication.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 633.5 of the Penal Code is
2 amended to read:
3 633.5. Nothing in Section 631, 632, 632.5, 632.6, or 632.7
4 prohibits one party to a confidential communication from
5 recording the communication for the purpose of
6 obtaining evidence reasonably believed to relate to the
7 commission by another party to the communication of
8 the crime of extortion, kidnapping, bribery, any felony
9 involving violence against the person, a violation of
10 Section 653m, or the violation of a *domestic violence*
11 restraining order by means of a harassing
12 communication. Nothing in Section 631, 632, 632.5, 632.6,
13 or 632.7 renders any evidence so obtained inadmissible in
14 a prosecution for extortion, kidnapping, bribery, any
15 felony involving violence against the person, a violation
16 of Section 653m, the violation of a *domestic violence*
17 restraining order by means of a harassing
18 communication, or any crime in connection therewith.

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